

## **REMARKS**

By this amendment, claim 1 is revised and claim 2 is canceled to place this application in condition for allowance. Currently, claims 1, 4, 5, 12, and 13 are before the Examiner for consideration on their merits.

First, claim 1 is revised responsive to the rejection thereof based on 35 U.S.C. § 112, second paragraph. The rejection of claim 2 is moot given its cancellation.

Turning now to the prior art rejection, the Examiner has made another new rejection, relying on the combination of previously-cited United States Patent No. 6,715,311 to Wasnock et al. (Wasnock) and United States Patent No. 6,338,536 to Ueno et al. (Ueno).

In the rejection, the Examiner's basic position is that the structural features of the door and door chassis are taught by Wasnock, but Wasnock does not teach the presence of an automated machine or its man-machine interface on the door of Wasnock. To remedy this failing in Wasnock, the Examiner cites Ueno to teach a refrigerator with a door that houses an automated machine, i.e., the evaporator coils and fans, and includes a man-machine interface on the door. The Examiner concludes that "it would have been obvious to one of ordinary skill in the art to provide Wasnock et al. with a man-machine interface and automated machine assembly, as taught by Ueno et al. to enable a user to monitor and control the temperature within the chassis and to provide the chassis with a self-contained cooling system."

Applicants traverse the rejection on two grounds and the traverse is set out below under headings corresponding to the arguments.

Ueno does not teach an automated machine in an interior space that is accessible by the door and door chassis combination.

While Applicants also dispute the Examiner's interpretation of "an automated machine assembly", the first argument is based on the fact that components controllable by the door interface may exist in connection with the Ueno refrigerator, the components are not located in an interior space accessible by the door and door combination containing the man-machine interface.

In review, Ueno is merely a refrigerator that has a control on the outside of the door. While it is true that the refrigerator of Ueno will have a compressor, coils, one or more fans, etc., these components are not contained within the space of the refrigerator. The space in the refrigerator contains the shelving or other compartments. In certain refrigerators, controls are located on the inside of the refrigerator. However, these shelves, compartments, or even controls cannot be interpreted to be the same as an "automated machine assembly." Thus, it is Applicants' contention that the limitation regarding the presence of the automated machine assembly in the interior space formed by the housing and door and door combination with the space accessible via the door and door combination is not found in the combination of Ueno and Wasnock.

Moreover, given the fundamental nature of a refrigerator, one of skill in the art would not include the refrigeration components in the interior space of the refrigerator. Therefore, there is no reason to further modify Ueno and include the evaporator coil and fans in the interior space of the refrigerator.

To recap, a *prima facie* case of obviousness against claim 1 is not established by the combination of Wasnock and Ueno, even if the teachings of Ueno were used to modify Wasnock. That is, using the controls of Ueno on the doors of Wasnock still does not produce the assembly of claim 1 since there is still no automated machine assembly in the interior space of Wasnock.

Refrigerator components cannot be interpreted as an automated machine assembly.

Another flaw in the rejection is the interpretation that the refrigerator components of Ueno can be considered to be the same as an automated machine assembly. This flaw is more apparent when considering the context of the invention. As described in the specification, the invention is an improvement over prior art assemblies that had cumbersome door arrangements for providing access to an automated machine assembly. This has nothing to do with access to the inside of a refrigerated case as is the subject of Wasnock or the refrigerator of Ueno. The invention seeks control of the machine that is made accessible by opening of the doors by the improved manner of door opening and placement of the man-machine interface. This aim is totally unrelated to the improved door arrangement of Wasnock or the door refrigeration controls of Ueno.

While the Examiner is permitted to interpret claim terms in a broad manner, the interpretation must also be in a reasonable manner. It is submitted that interpreting "automated machine assembly" to include the various components of a refrigerator is, on its face, an unreasonable interpretation. Put another way, a rejection based on 35

U.S.C. § 102(b) or 35 U.S.C. § 103(a) cannot stand when interpreting “automated machine assembly” to read on refrigerator components. There is nothing automated about a refrigerator; a refrigerator merely provides a cool environment, which may be controlled but would not be considered “automated” by one skilled in the art.

To summarize, it is submitted that the combination of Wasnock and Ueno fails to establish a *prima facie* case of obviousness against claim 1 for the reason that the claim limitations regarding the combination of the particularly-described door and door combination are not present when combined with an automated machine and housing as is now defined in claim 1. In addition, the cited prior art fails to even teach the presence of an automated machine assembly in combination with door and door combinations of either Wasnock or Ueno. Therefore, the rejection as applied to claim 1 fails.

Since the arguments above remove the rejection applied to claim 1, the remaining dependent claims are also in condition for allowance.

In light of the amendment to claim 1, the cancellation of claim 2, and the arguments made above, the Examiner is requested to examine this application and pass all pending claims onto issuance.

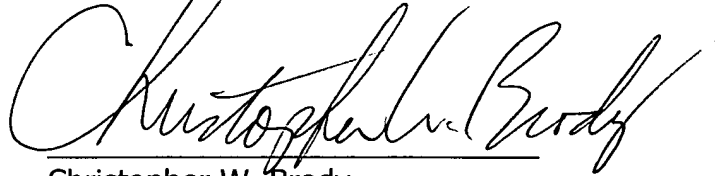
If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office Action dated January 11, 2008.

Again, reconsideration and allowance of this application is respectfully requested.

A petition for a two month extension of time is hereby made. A check in the amount of \$460.00 is enclosed. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,  
CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody", written in black ink. The signature is fluid and stylized, with a large initial "C".

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